REMARKS

Applicants thank the Examiner for the courtesies extended to inventor Doug Gordon and Applicants' representatives during the interview on January 27, 2009. The substance of the interview is incorporated into this Reply.

In the Office Action,[1] the Examiner rejected claims 1-23 under 35 U.S.C. § 101; rejected claims 1-5 and 10-31 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,940,812 to Tengel et al. ("Tengel") in view of U.S. Patent Application Publication No. 2005/0240516 by Crocker ("Crocker"); rejected claims 6, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Tengel in view of Crocker, and further in view of U.S. Patent Application Publication No. 2002/0035520 to Weiss ("Weiss"); and rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Tengel in view of Crocker, and further in view of Weiss and U.S. Patent No. 5,995,947 to Fraser et al. ("Fraser").

Applicants amend claims 1, 2, 11, 12, 14-17, 21, and 23-31. Claims 1-31 remain pending and under current examination.

Applicants respectfully traverse the rejection of claims 1-23 under 35 U.S.C. § 101. As discussed during the interview, Applicants amend independent method claims 1, 17, 21, and 23 to obviate the rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-23 under § 101.

Applicants respectfully traverse the rejections of claims 1-31 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established at least because

[1] The Office Action contains a number of statements reflecting characterizations of certain art and claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

the Office Action misinterprets the scope and content of the cited references and because the differences between the prior art and Applicants' claims are such that it would not have been obvious for one of ordinary skill in the art at the time of the invention to modify the prior art to arrive at Applicants' claimed invention.

Claim 1 recites a method for determining a processing prioritization of mortgage loan applications including determining a score representing a likelihood that an application for a mortgage loan will result in a closing, said method comprising: receiving, by a processor from one or more databases, application data including at least borrower information, property information, and a first interest rate; receiving, by the processor, home value information representing an estimated value of the property; receiving, by the processor, a second interest rate; calculating, by the processor, the score based on the received application data, received home value information, and received second interest rate, the score representing a likelihood that the mortgage loan will close; comparing, by the processor, the score with one or more additional scores for other mortgage loan applications; and prioritizing processing of the mortgage loan application based on the comparison. (Emphasis added). The cited references, taken individually or in combination, fail to teach or suggest the combination of features recited in claim 1.

Tengel discloses ranking loans so a "borrower chooses a selected loan provided by a selected lender." Tengel, Abstract. As explained during the interview by inventor Doug Gordon, claim 1 recites a method of determining a score representing "the likelihood that the mortgage loan will close", not a method of presenting mortgage loan

options as disclosed by Tengel. The Examiner acknowledges as much. (Office Action at 4.)

Crocker fails to cure the deficiencies of Tengel. During the interview, the Examiner explained that the previously claimed "indication" occurred when "the applicant pursues the other loan." Crocker, ¶ 0021. Applicants have amended claim 1 to clarify that the claimed "score" is electronically calculated and indicates "the likelihood that the mortgage loan will close." Accordingly, Applicants respectfully submit that a borrower deciding to pursue a different loan, as disclosed by Crocker, does not constitute the claimed "score."

Further, claim 1 requires "comparing, by the processor, the score with one or more additional scores for other mortgage loan applications; and prioritizing processing of the mortgage loan application based on the comparison." Crocker fails to teach or suggest such a comparison or prioritization. Crocker acknowledges the problem that "after everyone has expended the work (i.e., cost) of taking a loan application and processing the application, the loan does not close." Crocker, ¶ 0021. However, Crocker's solution to this problem rests on "allowing the originator to capture the commitment from the borrower to do business with them even if the rate today is not the rate that they are perfectly happy with." Crocker, ¶ 0021. Crocker attempts to "lock in" a borrower; not prioritize the processing of a mortgage loan application. Crocker, ¶ 0039. Crocker is silent on "prioritizing processing of the mortgage loan application based on the comparison" of "the score with one or more additional scores," as required by claim 1.

Weiss and Fraser, taken individually or in combination, fail to cure the deficiencies of Tengel and Crocker discussed above. Independent claims 24 and 28, although of different scope than claim 1, patentably distinguish from the cited references for at least the same reasons as claim 1. Claims 2-16 depend from independent claim 1 and therefore also patentably distinguish from the cited references for at least the same reasons as claim 1. Moreover, claims 2-16 recite additional features that are not taught or suggested by the cited references.

Independent claim 17 recites a method for processing a mortgage loan application based on a score, said method comprising: receiving, by a processor from one or more databases, data representing the mortgage loan application with a first interest rate for a property; calculating, by the processor, the score based on the received data representing mortgage loan application and based on a second interest rate received after the first interest rate, the score representing a likelihood that the mortgage loan application will close; receiving a date corresponding to when the mortgage loan application will close; and calculating, using the processor, an updated score prior to the date.

None of Tengel, Crocker, Weiss, and Fraser, taken individually or in combination, teaches or suggests at least "calculating an updated score [representing a likelihood that the mortgage loan application will close] prior to the date," as recited by claim 17 and required by dependent claims 18-20. Independent claims 25 and 29, although of different scope than claim 17, also recite calculating an "updated score," and therefore also patentably distinguish from the cited references. And, dependent claims 18-20 recite additional elements that are neither taught nor suggested by the cited references.

Independent claim 21 recites a method for use in performing appraisals on a plurality of properties based on scores, wherein each of the scores indicates whether a mortgage loan application is likely to result in a closing, said method comprising: receiving, by a processor from one or more databases, a first score electronically calculated based on a first interest rate for a first one of the properties; receiving, by the processor, a second score electronically calculated based on a second interest rate for a second one of the properties; and performing a first appraisal of the first property before a second appraisal of the second property, when the first score indicates a greater likelihood of closing than the second score.

As discussed above, none of the cited references teach or suggest prioritizing processing of a mortgage loan application or "performing a first appraisal of the first property before a second appraisal of the second property, when the first score indicates a greater likelihood of closing than the second score," as recited by claim 21. Independent claims 23, 26, 27, 30, and 31, although of different scope than claim 21, patentably distinguish from the cited references for at least the same reasons as claim 21. During the interview, the Examiner acknowledged these differences between the prior art and the cited references.

Accordingly, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claims 1-31. Thus, claims 1-31 would not have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 1-31 and the rejections under 35 U.S.C. § 103(a) must be withdrawn.

In view of the foregoing, Applicants respectfully request the timely allowance of the pending claims. Should the Examiner continue to dispute the patentability of the claims after consideration of this Reply, Applicants encourage the Examiner to contact Applicants' undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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